

SUBPOENA FOR WITNESS

Place

Date

In re

By virtue of the power and authority conferred upon the Secretary of Veterans' Affairs by Section 3311 of title 38, United States Code, and delegated to me under Section 2.1 of title 38, Code of Federal Regulations, you are hereby summoned and directed to be present at

at _____ for the purpose of giving testimony in the above matter within the jurisdiction of the Department of Veterans Affairs.

You are further directed to bring with you and produce at that time

and any other evidence in your possession bearing on this subject. You will be allowed fees and mileage while in attendance at this hearing the same as are allowed witnesses before a district court of the United States.

Signed _____

Official title _____

Sections 3311 and 3313 of title 38, United States Code, and Section 2.1 of title 38, Code of Federal Regulations, are printed on the reverse side hereof for your information and guidance.

This paper must be submitted when making claim for witness fees and mileage.

Title 38, United States Code

Sec. 3311. For the purposes of the laws administered by the Department of Veterans Affairs, the Secretary, and those employees to whom the Secretary may delegate such authority, to the extent of the authority so delegated, shall have the power to issue subpoenas for and compel the attendance of witnesses within a radius of one hundred miles from the place of the hearing, to require the production of books, papers, documents, and other evidence, to take affidavits, to administer oaths and affirmations, to aid claimants in the preparation and presentation of claims, and to make investigations and examine witnesses upon any matter within the jurisdiction of the Department of Veterans Affairs. Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.

Sec. 3313. In case of disobedience to any such subpoena, the aid of any district court of the United States may be invoked in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which the inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any officer, agent, or employee of any corporation or to any other person, to appear or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Title 38, Code of Federal Regulations

Sec. 2.1(a) Employees occupying or acting in the position designated in paragraph (b) of this section shall have the power to issue subpoenas for (by countersigning VA form 4003) and compel the attendance of witnesses within a radius of 100 miles from the place of the hearing and to require the production of books, papers, documents, and other evidence. Discretion will be used in the exercise of this power which will not be used except when necessary or when the evidence cannot be obtained efficiently in any other way.

(b) Designated positions: Inspector General, Deputy Inspector General, Assistant Inspector General for Investigation, Deputy Assistant Inspector General for Investigation, General Counsel, Deputy General Counsel, Chairman, Board of Veterans Appeals, Heads of regional offices and centers having insurance activities, regional office activities, or both.

(c) Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of disobedience to any such subpoena, the aid of any district court of the United States may be invoked in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which the inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any officer, agent, or employee of any corporation or to any other person, issue an order requiring such corporation or other person to appear or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. (38 U.S.C. 3311).